

AMENDED IN SENATE APRIL 1, 2009

SENATE BILL

No. 370

Introduced by Senator Runner

February 25, 2009

An act to amend Sections 2101, 3011, ~~3020, 3311~~, and 4103 of, and to add ~~Section~~ *Sections 3020.5 and 14216.5* to, the Elections Code, and to add Section 14902.5 to the Vehicle Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 370, as amended, Runner. Elections: voting.

(1) Existing law specifies the qualifications for registration as a voter and excludes from eligibility a person in prison or on parole for the conviction of a felony. Under existing law, a person who willfully allows himself or herself, or another person, to register as a voter knowing that the registration qualifications are not met, is guilty of a crime.

This bill would additionally make a person on probation for the conviction of a felony not eligible to register to vote, and would ~~provide that a prohibition against voting is a condition of imprisonment, parole, or probation for conviction of a felony, as of January 1, 2011, require elections officials to cancel their voter registration upon notice from the court of the conviction.~~

(2) Existing law requires that the identification envelope for returning a vote by mail ballot contain specified information.

This bill would additionally require that the identification envelope include ~~a verification panel, concealed during mailing, setting forth~~ the last 4 digits of the voter's California driver's license or identification card number or, if unavailable, the last 4 digits of the voter's social security number *and a security flap to conceal the voter's information*

during mailing. The bill would require the elections official to verify the accuracy of that information before counting the vote.

(3) Existing law requires vote by mail ballots to be received by elections officials by the close of the polls on election day.

This bill would require that a vote by mail ballot of a member of the Armed Forces of the United States who is stationed outside of the United States be cast by election day and received by elections officials no later than ~~25~~ 21 days after election day.

(4) Existing law requires that a person desiring to vote announce his or her name and address to a precinct worker at the polling place.

This bill would also require a person who desires to vote to show specified proof of identification. The bill would authorize a person who does not have proof of identification to vote a provisional ballot after completing an affidavit under penalty of perjury that he or she is a registered voter. The bill would require the Department of Motor Vehicles to waive the fee for an identification card requested for satisfying the voter identification requirement.

(5) By imposing additional duties on elections officials and creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2101 of the Elections Code is amended
2 to read:

3 2101. (a) A person entitled to register to vote shall be a United
4 States citizen, a resident of California, not in prison or on parole
5 or probation for the conviction of a felony, and at least 18 years
6 of age at the time of the next election.

1 ~~(b) A prohibition against voting while imprisoned for, or on~~
2 ~~parole or probation for, the conviction of a felony shall be a~~
3 ~~condition of that imprisonment, parole, or probation.~~

4 (b) “Conviction of a felony” for purposes of this section means
5 conviction of a felony offense which results in incarceration in
6 prison or parole or felony probation.

7 (c) Commencing January 1, 2011, the chief elections official of
8 each county shall upon notice of the clerk of the superior court
9 cancel affidavits of registration of all persons who have been
10 convicted of a felony as defined in subdivision (b).

11 SEC. 2. Section 3011 of the Elections Code is amended to read:

12 3011. (a) The identification envelope shall contain all of the
13 following information:

14 (1) A declaration, under penalty of perjury, stating that the voter
15 resides within the precinct in which he or she is voting and is the
16 person whose name appears on the envelope.

17 (2) The signature of the voter *and the last four digits of the*
18 *voter’s California driver’s license number or California*
19 *identification card number, or if the voter has neither, the last four*
20 *digits of the voter’s social security number. The signature and*
21 *numeric identifying information must be verified as consistent with*
22 *the voter’s state or federal records, prior to counting the ballot.*

23 (3) The residence address of the voter as shown on the affidavit
24 of registration.

25 (4) The date of signing.

26 (5) A notice that the envelope contains an official ballot and is
27 to be opened only by the canvassing board *if the signature and*
28 *numeric identifying information are verified.*

29 (6) A warning plainly stamped or printed on it that voting twice
30 constitutes a crime.

31 (7) A warning plainly stamped or printed on it that the voter
32 must sign the ~~verification panel, described in paragraph (12);~~
33 *envelope* in his or her own handwriting in order for the ballot to
34 be counted.

35 (8) A statement that the voter has neither applied, nor intends
36 to apply, for a vote by mail voter’s ballot from any other
37 jurisdiction for the same election.

38 (9) The name of the person authorized by the voter to return the
39 vote by mail ballot pursuant to Section 3017.

(10) The relationship to the voter of the person authorized to return the vote by mail ballot.

(11) The signature of the person authorized to return the vote by mail ballot.

~~(12) A verification panel, concealed during mailing, requiring the last four digits of the voter's California driver's license number or California identification card number or, if neither is available, the last four digits of the voter's social security number.~~

~~(12) A security flap or sleeve to conceal the voter's signature and identifying information during mailing.~~

(b) Except at a primary election for partisan office, and notwithstanding any other provision of law, the vote by mail voter's party affiliation may not be stamped or printed on the identification envelope.

~~(c) (1) An elections official shall verify that the information provided pursuant to paragraph (12) of subdivision (a) is from the California driver's license or California identification card or social security number issued to the voter submitting the vote by mail ballot before the vote may be counted.~~

~~(2) Paragraph (1) shall not apply to a valid ballot cast pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Sec. 1973ff-1 et seq.).~~

SEC. 3. Section 3020 of the Elections Code is amended to read:

3020. (a) ~~Except as provided in subdivision (b), a vote by mail ballot cast under this division shall be received by the elections official from whom the ballot was obtained or by the precinct board no later than the close of the polls on election day.~~

~~(b) A vote by mail ballot of a member of the Armed Forces of the United States or an auxiliary branch thereof who is stationed outside of the United States shall be cast by election day and shall be received by the voter's elections official no later than 25 days after election day.~~

SEC. 4. Section 3311 of the Elections Code is amended to read:

3311. Except for a vote by mail ballot cast by a member of the Armed Forces as provided for in subdivision (b) of Section 3020, a vote by mail ballot cast pursuant to this chapter shall be received by the county elections official not later than 8 p.m. on the day of a federal election.

SEC. 3. Section 3020.5 is added to the Elections Code, to read:

3020.5. Notwithstanding Section 3020, 3311, or Section 4103, or any other provision of law, a vote by mail ballot of a member of the United States Armed Forces who is an “absent uniformed services voter” as defined in subsection (1) of Section 1973ff-6 of Title 42 of the United States Code shall be timely cast if postmarked or signed and dated by election day and received by the voter’s elections official no later than 21 days after election day.

~~SEC. 5.~~

SEC. 4. Section 4103 of the Elections Code is amended to read: 4103. Notwithstanding subdivision (a) of Section 3020, ballots cast under this chapter shall be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

~~SEC. 6.~~

SEC. 5. Section 14216.5 is added to the Elections Code, to read:

14216.5. (a) Prior to receiving a ballot, a voter shall present to a member of the precinct board proof of identification that satisfies all of the following requirements:

(1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual’s voter registration record.

(2) The document shows a photograph of the individual to whom the document was issued *presenting the identification.*

(3) The document includes an expiration date, and the document is not expired at the time of voting ~~or it expired after the date of the most recent general~~ *expired less than two years prior to the election.*

(4) The document was issued by the United States or the State of California *or is a valid tribal member identification card issued by an Indian tribe recognized by the United States government.*

(b) If a voter is unable to, or refuses to, provide proof of identification pursuant to subdivision (a), he or she may execute a declaration, ~~certified as to its truthfulness and correctness to be correct~~ under penalty of perjury, declaring that he or she is registered to vote. Upon execution of the declaration, the voter shall be issued a provisional ballot pursuant to Section 14310 *and an envelope to be completed in the same manner as a vote by mail envelope.*

1 ~~SEC. 7.~~

2 SEC. 6. Section 14902.5 is added to the Vehicle Code, to read:

3 14902.5. ~~Notwithstanding any other provision of law, the~~*The*
4 fee for an original or replacement identification card shall be
5 waived for a person who requests the identification card for
6 purposes of satisfying the requirement of Section 14216.5 of the
7 Elections Code.

8 SEC. 8. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution for certain
10 costs that may be incurred by a local agency or school district
11 because, in that regard, this act creates a new crime or infraction,
12 eliminates a crime or infraction, or changes the penalty for a crime
13 or infraction, within the meaning of Section 17556 of the
14 Government Code, or changes the definition of a crime within the
15 meaning of Section 6 of Article XIII B of the California
16 Constitution.

17 However, if the Commission on State Mandates determines that
18 this act contains other costs mandated by the state, reimbursement
19 to local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.